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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,846	08/27/2001	Rebecca L. Poole	STL920000085US1	3150
22462	7590	03/31/2005	EXAMINER	
GATES & COOPER LLP HOWARD HUGHES CENTER 6701 CENTER DRIVE WEST, SUITE 1050 LOS ANGELES, CA 90045				TANG, KUO LIANG J
ART UNIT		PAPER NUMBER		
		2191		

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/939,846	POOLE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kuo-Liang J Tang	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 11/12/2004.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-15 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-15 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/22/2001.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. This Office Action is in response to the amendment filed on 11/12/2004.

The priority date for this application is 8/27/2001.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-20 have been considered but they are not persuasive.

Claims 4, 9 and 14 are amended.

Claims 1-15 are pending and have been examined.

Claims 1-15 remain provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims (1, 5, 7-8) of co-pending Application No. 09/939,813 (hereinafter '813) respectively. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following observation.

Claims 1-15 remain rejected under 35 U.S.C. 102(a) as being anticipated by Sheard et al., US Patent No. 6,208,345 (hereinafter Sheard).

*In the Amendment, the Applicants argue that:*

As for independent claims 1, 6 and 11, the Applicants primarily argue that Sheard does not teach or suggest "an Interactive Agent that monitors the Meta-model for an occurrence of one or more specific events, whereupon the Interactive Agent triggers a display of a graphical element in the Composer to interact with the developer, and the graphical element includes

context information comprising a list of suggested and recommended actions" "(see Amendment page 10-12, Section D).

**Examiner's response:**

The examiner disagrees with Applicants' assertion that Sheard does not describe the cited limitation of claims. In fact, Sheard does teaches "an Interactive Agent that monitors (E.g. see Fig. 17 and associated text) the Meta-model for an occurrence of one or more specific events (E.g. border 546 for status information and for help prompts ...)(emphasis added), whereupon the Interactive Agent triggers (E.g. Xchange button 544) a display of a graphical element in the Composer to interact with the developer, and the graphical element includes context information comprising a list of suggested and recommended actions (E.g. see Fig. 17, Xchange button 544 and associated text, e.g. see col. 19:51-63 which states "... Activating the Xchange button 544 open a pop-up menu of ... A first group of menu buttons ... include the following activatable buttons: new, open, save delete and print. ... A second group of buttons may include start, shutdown, pause and resume the system buttons, ... The lower border 546 of the visual interface 501 is available for high-level status information and for help prompts that ...") (emphasis added)".

***Information Disclosure Statement***

3. The document No.: 2,191,640 (Date: 11/29/96, Country: Canada) of the information disclosure statement filed 10/22/2001 is now received on 11/12/2004 and has been considered.

***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-15 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims (1, 5, 7-8) of co-pending Application No. 09/939,813 (hereinafter '813) respectively. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following observation.

Instant Claim	'813 Claim
<b>1. A computer-implemented system of developing multi-tier business applications, comprising: an Integrated Development Environment (IDE), executed by a computer, for creating and maintaining a multi-tier business application on a multiple tier computer network, wherein the IDE includes a Topological Multi-Tier Business Application</b>	<b>1. A computer-implemented system of developing multi-tier business applications, comprising: an Integrated Development Environment (IDE), executed by a computer, for creating and maintaining a multi-tier business application on a multiple tier computer network, wherein the IDE includes a Topological Multi-Tier Business Application</b>

<p><b>Composer that is used by a developer to graphically design, develop, maintain, build, test, debug, and deploy the multi-tier business application,</b></p> <p><b>a Meta-model that captures and persistently stores information entered via the Composer,</b></p> <p>and an <b>Interactive Agent</b> that monitors the Meta-model for an occurrence of one or more specific events, whereupon the</p>	<p><b>Composer that is used by a developer to graphically design, develop, maintain, build, test, debug, and deploy the multi-tier business application,</b></p> <p>the Composer includes a window and a palette, and the palette contains graphical constructs representing tiers and components of the tiers that are used to design, develop, maintain, build, test, debug, and deploy a graphical presentation of the multi-tier business application in the window.</p> <p>5. The system of claim 1, wherein the IDE further comprises</p> <p><b>a Meta-model that captures information entered via the Composer and that persistently stores the information.</b></p> <p>7. The system of claim 5, wherein the Meta-model is updated and kept in synchronization with any updates made to</p>
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Interactive Agent triggers a display of a graphical element in the <b>Composer</b> to interact with the developer, and the graphical element includes context information comprising a list of suggested and recommended actions.	the multi-tier business application via the <b>Composer</b> .  8. The system of claim 5, wherein the Meta-model is accessible by <b>other tools</b> .
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The limitations recited in claims 1, 6, 11 are obvious variations of limitation in '454 Claims 1, 5, 7-8.

Claims 2-5, 7-10 and 12-15 are dependent claims and are also rejected.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

#### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1-15 are rejected under 35 U.S.C. 102(a) as being anticipated by Sheard et al., US Patent No. 6,208,345 (hereinafter Sheard).

As Per Claim 1, Sheard teaches that a visual data integration system architecture and methodology is disclosed. The system architecture includes a transport framework that represents a technology-independent integration mechanism that facilitates the exchange of technology-dependent data between disparate applications. (E.g. see Abstract and associated text). In that Sheard discloses the method that covering the steps of:

“an Integrated Development Environment (IDE) (E.g. see col. 3:16-18, which states “A visual interface facilitates the design, deployment, and runtime monitoring of an integrated information system (IDE) implementation”), executed by a computer, for creating and maintaining a multi-tier business application (E.g. see col. 3:24-26, which states “Various component icons may be packaged together in business extension modules.(multi-tier business application)to provide users with specific business integration capabilities”) on a multiple tier computer network, wherein the IDE includes a Topological Multi-Tier Business Application Composer (E.g. see col. 24:55-67, which states “... in the presentation of a menu item ... provides a tree view of the network environment currently in operation...”) that is used by a developer to graphically design, develop, maintain, build, test, debug, and deploy (E.g. col. 6:11-13, which states “...facilitate the design, deployment, and runtime monitoring ...“) the multi-tier business application (E.g. col. 3:24-26)”,

“a Meta-model that captures and persistently stores information entered via the Composer” (E.g. see col. 23:41-45, which states “Confirming the integrity ... by comparing the meta-data models ...”; col. 29:32-36, which states “...a meta-model approach allows the validity of a data integration implementation to be verified, ...” and col. 29:51-61, which states “Storage of the meta-model is typically implemented using a file based approach ...”), and

“an Interactive Agent that monitors (E.g. see Fig. 17 and associated text) the Meta-model for an occurrence of one or more specific events (E.g. border 546 for status information), whereupon the Interactive Agent triggers (E.g. Xchange button 544) a display of a graphical element in the Composer to interact with the developer, and the graphical element includes context information comprising a list of suggested and recommended actions (E.g. see Fig. 17, Xchange button 544 and associated text, e.g. see col. 19:51-63 which states “... Activating the Xchange button 544 open a pop-up menu of ... A first group of menu buttons ... include the following activatable buttons: new, open, save delete and print. ... A second group of buttons may include start, shutdown, pause and resume the system buttons, ... The lower border 546 of the visual interface 501 is available for high-level status information and for help prompts that ...”) (emphasis added)”.

As Per claim 2, the rejection of claim 1 is incorporated and further Sheard teaches: “wherein the Interactive Agent includes a Novice mode, and the Interactive Agent is triggered in the Novice Mode when an event occurs that is selected from a group comprising: opening a new window; (E.g. see col. 19:51-63 which states “...include the following activatable buttons: new, open, save, delete, and print...”); ...”;

As Per claim 3, the rejection of claim 1 is incorporated and further Sheard teaches: “wherein the Interactive Agent includes an Advanced mode, and the Interactive Agent is triggered in the Advanced Mode when an event occurs (E.g. see col. 26:39-48, which states “...double clicking on a statistical analysis adapter...”) that comprises a possible

non-optimization in a portion of the multi-tier business application (E.g. see Fig. 22 and associated text) based upon an heuristic analysis of the information (E.g. see col. 26:39-48) gathered by the Composer and stored within the Meta-model.”

As Per claim 4, the rejection of claim 3 is incorporated and further Chong teaches: “wherein the possible non-optimization is determined by examining attributes (E.g. see col. 26:39-48, which states “...A configuration form is popped up requesting the user for a display period, attribute name, and value list....”) of the multi-tier business application stored within the Meta-model.”

As Per claim 5, the rejection of claim 1 is incorporated and further Chong teaches: “wherein the Meta-model is updated and kept in synchronization with any updates made to the multi tier business application via the Composer window.” (E.g. see col. 4:22-30, which states “...the data exchange infrastructure effects a rollback of failed transactions to preclude the loss of data ...”).

As Per Claim 6, is the method claim corresponding to the system claim 1 and is rejected under the same reason set forth in connection of the rejection of claim 1.

As per Claims 7-10, the rejection of claim 6 are incorporated and are rejected under the same reason set forth in connection of the rejection of claims 2-5 respectfully.

As Per Claim 11, is the manufacture claim corresponding to the system claim 1 and is rejected under the same reason set forth in connection of the rejection of claim 1.

As per Claims 12-15, the rejection of claim 6 are incorporated and are rejected under the same reason set forth in connection of the rejection of claims 2-5 respectfully.

*Conclusion*

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Correspondence Information***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuo-Liang J Tang whose telephone number is (571) 272-3705. The examiner can normally be reached on 8:30AM - 7:00PM (Monday – Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Kuo-Liang J. Tang*

Software Engineer Patent Examiner



**TUAN DAM**  
**SUPERVISORY PATENT EXAMINER**